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6 Attorney for Angelito Trinidad, Ronnie Palermo, Herman Tejada, Esperanza David, and Antonio Alovera,
7 Respondents

FEB 15 2008
For The Northern Mariana Islands
By _____
(Deputy Clerk)

5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE NORTHERN MARIANA ISLANDS**

7 **JOHN S. PANGELINAN,**
8 **Plaintiff,**
9
10 **vs.**
11 **DAVID A. WISEMAN, et al,**
12 **Defendants.**
13 **ANGELITO TRINIDAD,**
14 **RONNIE PALERMO,**
15 **HERMAN TEJADA,**
16 **ESPERANZA DAVID,**
17 **ANTONIO ALOVERA, and**
18 **the UNITED STATES OF**
19 **AMERICA,**
20 **Respondents.**

Case No. CV 08-0004

**MOTION TO DISMISS BY
ANGELITO TRINIDAD,
RONNIE PALERMO,
HERMAN TEJADA,
ESPERANZA DAVID,
ANTONIO ALOVERA ON
GROUNDS OF RES
JUDICATA;
MOTION FOR
SANCTIONS; AND
MOTION FOR PRE-FILING
INJUNCTION**

APR 17 2008
Date: _____
Time: 9:00 a.m.
Judge: _____

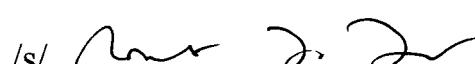
21 Pursuant to Fed. R. Civ. P. 12(b)(6), Respondents Angelito Trinidad,
22 Ronnie Palermo, Herman Tejada, Esperanza David, and Antonio Alovera,
23 by and through counsel, hereby move the court to dismiss with prejudice

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1 any and all claims against them asserted by the Plaintiff in this action.
2 Pursuant to Fed R. Civ. P. Rule 11, 28 U.S.C. § 1927 and 42 U.S.C. 1988,
3 moreover, Respondents move for an Order imposing sanctions against this
4 Plaintiff and awarding them all costs and expenses incurred in connection
5 with their response to the frivolous, meritless, and improper filing. Finally,
6 pursuant to 28 U.S.C. § 1651(a) and this court's inherent powers,
7 Respondents move for an order enjoining Pangelinan from filing any further
8 actions or papers in this court without first obtaining leave of this court.

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10 These Motions are based on the affirmative defense of res judicata,
11 the authority set forth in the Memorandum of Points and Authorities filed
12 contemporaneously herewith; the court's file in this case, and such exhibits
13 and testimony as may be introduced at the hearing of this matter.

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15 Respectfully submitted this 14th day of February, 2008.

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18 ROBERT TENORIO TORRES, ESQ.
19 Attorney for Respondents
20 Trinidad, Palermo, Tejada,
21 David, and Alovera
22
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2 **PLEASE TAKE NOTICE** that Angelito Trinidad, Ronnie Palermo,
3 Herman Tejada, Esperanza David, and Antonio Alovera have filed a motion
4 pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss this any and all claims
5 against them in this action; a motion for sanctions; and a motion for a pre-
6 filing injunction. The Court will hold a hearing on Respondents' Motions
7 on the above-referenced date and time.
8

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10 The Motion to Dismiss, Motion for Sanctions, and Motion for a Pre-
11 filing Injunction are based on the Memorandum of Points and Authorities
12 filed contemporaneously herewith; the court's file in this case, and such
13 exhibits and testimony as may be introduced at the hearing of this matter.
14

15
16 Respectfully submitted this 14th day of February, 2008.
17

18
19 
20 ROBERT TENORIO TORRES, ESQ.
21 Attorney for Respondents
22 Trinidad, Palermo, Tejada,
23 David and Alovera

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